

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPH T. FITZSIMMONS,)	
)	
Plaintiff,)	No. 08 CV 3558
v.)	
)	
CITY OF CHICAGO <u>et al.</u>,)	JUDGE ZAGEL
)	
Defendants.)	

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE PLEAD**

Defendant City of Chicago and the individually named defendants Jodi Weis, Debra Kirby, Kathleen Rendon, Robert Cosey and Timothy Moore request a 30-day extension of time to answer or otherwise plead to plaintiff's complaint.

1. Plaintiff has brought a five-count complaint, including a Section 1981 due process claim, a Section 1983 first amendment claim, a Section 1983 equal protection claim, a Section 1983 "retaliatory conduct" claim and a state law "retaliatory conduct" claim. Plaintiff seeks "general damages, including emotional distress," "special damages," and attorneys fees against all defendants as well as punitive and exemplary damages against the individual defendants.

2. Plaintiff filed his complaint on June 20, 2008 and provided copies of the summons for the individual defendants to the Chicago Police Department's Office of Legal Affairs in early July 2008. The individual defendants agree to accept service.

3. Plaintiff also sent a copy of the City's summons to the Corporation Counsel's office. Although service is proper only about the City clerk, the City of Chicago has agreed to accept service.

4. Another counsel for defendants will be assigned to the case in the next few weeks. For this reason and due to conflicting matters, defendants need additional time to investigate and respond to plaintiff's allegations. Defendants deem a four-week extension necessary.

5. This motion is not being made for the purposes of delay or any other improper purpose.

6. Today, plaintiff's counsel indicated that defendants' motion for extension was unopposed.

WHEREFORE, defendants City of Chicago and the individually named defendants respectfully request up to and including September 14, 2008 to file its answer or to otherwise plead.

Respectfully submitted,

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